

least they should let us move off Interior so we can have full days on homeland security.

The President says he wants this legislation. His wants cannot be accomplished unless we are able to legislate on a full-time basis on it. Once we get started on something, we are back on Interior doing nothing. It takes time to get revved up again on homeland security. I hope that can be accomplished today, that we can get off Interior.

It seems quite clear that the efforts to arrive at a compromise have failed. People have tried hard, and certainly no one is to be faulted, but sometimes we have issues that are irreconcilable. In the Senate, simple majorities don't solve problems that are irreconcilable; it takes 60 votes. The proposition that the majority has offered can't get 60 votes. The proposition of the minority can't get 60 votes. It would be in the best interest of the country that we move off that legislation. Maybe later someone will come up with some kind of a brainstorm to figure some way out of it, but at this stage we have not been able to.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the vote begin 2 or 3 minutes early, and the leader asked me to announce this will be the last vote today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF REENA RAGGI TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10:29 a.m. having arrived, the Senate will proceed to executive session and consider Executive Calendar No. 1006, which the clerk will report.

The assistant legislative clerk read the nomination of Reena Raggi, of New York, to be United States Circuit Judge for the Second Circuit.

Mr. LEAHY. Madam President, today the Senate will confirm the nomination of Judge Reena Raggi to the United States Court of Appeals for the Second Circuit. This is the 14th circuit court nominee to be considered by the Senate since the change in Senate majority and reorganization of the Judiciary Committee 14 months ago. That is an average of one Court of Appeals judge a month since the Democratic majority has been in place. This pace is almost double that maintained by the Republicans during their 6½ years of control of the Senate. This is also the 78th judicial nominee we have confirmed in the past 14 months.

In contrast, our Republican predecessors voted on only 46 of President Clinton's more moderate Court of Appeals nominations in their 76 months of control for an average of closer to one circuit court confirmation every other month. In fact, during the entire 1996 session the Senate Republicans stalled all Court of Appeals nominees and not a single one was confirmed. Court of Appeals vacancies went from 16, when the Republicans took over in January 1995, to 33 by the time they finally relinquished control last summer and allowed the Judiciary Committee to reorganize. During the Republican stall on judicial confirmations, vacancies more than doubled on the Courts of Appeals. However, since last summer, the Democratic majority has exceeded the rate of attrition and confirmed 14 circuit court judges, in addition to 64 district court judges. Even with extraordinary attrition of 10 new circuit vacancies during this period, we have lowered the number of Court of Appeals vacancies from the 41 it would have been if Democrats were blocking judges as Republicans falsely claim, to 27.

There are now fewer circuit court vacancies than when the 107th Congress began. Republicans confirmed no circuit court nominees or any judicial nominees during their 6 months of control last year. They could have confirmed some of the nine circuit judges re-nominated by President Clinton, if they were truly concerned about the circuit court vacancy level. They could have done that to demonstrate some commitment to fairness and the bipartisanship they claim. But they did not. The President could have urged that those circuit court nominees be confirmed to demonstrate true bipartisanship and to address the injustices of the stalling tactics of the members of his party in the Senate. He did not. Instead, he withdrew all those circuit court nominees last spring then later renominated only one of them, occasioning more needless delay.

I would like to reflect on what could have been, but for the purposeful obstruction by Republican Senators of the confirmation of more than a score of President Clinton's circuit court nominees. If Republicans had not blocked the confirmation of almost two dozen, 22, circuit court nominees, and many more district court nomi-

nees, Democrats on the Judiciary Committee would have begun with 11 circuit court vacancies, instead of the 33 we inherited. With the 10 new circuit court vacancies that arose over these past 14 months, there would have been a total of 24 circuit court vacancies for this President to fill. Given the Democratic pace of considering circuit court nominees, even without any significant cooperation or consultation from the White House, our circuit courts would today be left with only 10 vacancies. That is what might have been, but for the determined, strategic blocking of so many circuit court nominees during the 6½ years of Republican control of the Senate. Instead, after 14 circuit confirmations, there remain 27 circuit court vacancies—still fewer than at the start of this Congress but far from where we could have been.

The Judiciary Committee has already voted on 83 of this President's judicial nominees, including 17 nominees to the Courts of Appeal. Two additional circuit court nominees have had hearings and another is scheduled for a hearing this coming week. The Senate Judiciary Committee has already voted on more circuit and district court nominees than in any of the previous 6½ years of Republican control. In fact, Democrats have given votes to more judicial nominees and, in particular, to more nominees to the Courts of Appeals, than in 1996 and 1997 combined, and than in the last 30 months of the Republican majority control in 1999, 2000 and early 2001.

Judge Raggi was appointed to the Federal trial court in 1987 by President Ronald Reagan. She has a solid record of accomplishment in both the private and public sectors. She received the strong support of her two Democratic Senators, CHUCK SCHUMER and HILLARY RODHAM CLINTON, and of the New York legal community. Even though Judge Raggi is a conservative Republican, we have every reason to believe that she will serve with distinction on the Second Circuit as a fair and impartial judge.

Her record is in sharp contrast to the record of the other circuit court nominee that the Judiciary Committee considered on the very same day: Justice Priscilla Owen, a nominee whose record was too extreme even for the very conservative Texas Supreme Court. Justice Owen's written opinions demonstrated her willingness to substitute her policy preferences for those of the Texas legislature and her determination to distort precedent. Even her fellow judges criticized her approach.

The administration's claim that Democrat's have created a glass ceiling for female judicial nominees is patently ridiculous. It is unfortunate that just 21 percent of President George W. Bush's judicial nominees are women, in contrast to 30 percent of President Clinton's judicial nominees. The percentage of women nominated by this President has been cut by almost a third compared with the prior administration. In fact, so far, President

George W. Bush is appointing almost the same proportion of women to the Federal bench as his father, despite the passage of more than a decade since then in which the number of women practicing law and with judicial experience has increased exponentially.

With today's vote, the Democratic-led Senate has already confirmed 17 female judicial nominees of this President, including four to the Courts of Appeal Judge Edith Brown Clement to the Fifth Circuit, the first nominee to be confirmed to that court in more than 6 years; Judge Julia Smith Gibbons to the Sixth Circuit, the first nominee to be confirmed to that court in more than 5 years; Judge Sharon Prost to the Federal Circuit; and now Judge Reena Raggi to the Second Circuit. In all, Democrats have held hearings for 19 of the women nominated to the Federal bench by this President, and 18 of them have been voted on by the Judiciary Committee. A few of the remaining female nominees lack home-State consent, and some were nominated only recently and so lack completed paperwork. This Democratic-led Senate has regularly scheduled hearings and votes, unlike during the prior 6½ years of Republican control when so many women and minorities nominated to the Federal bench were never accorded hearings or votes.

Today's vote serves as another example of the Democrats' proven record of action and fairness on this President's judicial nominees. Judge Raggi is a conservative Republican. I voted for her confirmation in committee and vote to confirm her today, based on her overall record, her testimony before the committee and the bipartisan support she has received. Far from payback for Republican actions in the recent past, today's Democratic-led Senate's action is being taken notwithstanding those wrongs and to help fill vacancies that Republican obstruction helped create.

Despite the right-wing and partisan din about blockades and obstructionism, Democrats are actually achieving almost twice as much as our Republican counterparts did to provide judicial resources to the Federal courts. We would be even farther along if so many circuit court nominees of the prior administration had not been purposely blocked and defeated, and if we received more timely reviews from the ABA, and received the nominations of more moderate, mainstream judicial nominees.

Mr. HATCH. Madam President, I am very pleased that the Senate has taken up the nomination of Judge Reena Raggi to the Second Circuit Court of Appeals. She is a truly exceptional nominee with wide and well deserved bipartisan support.

We first became aware of Judge Raggi's outstanding credentials fifteen years ago, when the Senate confirmed to her nomination as a district judge for the Eastern District of New York. She received her Bachelor of Arts de-

gree from Wellesley College and went on to graduate cum laude from Harvard Law School. She clerked for Judge Thomas E. Fairchild, then Chief Judge of the U.S. Court of Appeals for the Seventh Circuit, before working as an associate at the law firm of Cahill, Gordon & Reindel.

She then entered public service in Brooklyn, New York as an Assistant U.S. Attorney for the Eastern District of New York. She quickly rose through the ranks of the U.S. Attorney's Office, first to become head of the Narcotics Unit, then Chief of Special Prosecutions, which is in charge of prosecuting public corruption. In 1986, the Eastern District Board of Judges appointed here interim United States Attorney pending the Senate confirmation of a presidential nominee. A year later, Judge Raggi was nominated and confirmed as a district court judge.

That was 15 years ago. Today, I am proud to say that Judge Raggi has continued to serve as a jurist of the highest level of excellence. In fact, for the first 7 years of her tenure as a district judge, she was the least reversed judge in the Second Circuit.

Judge Raggi has presided over some of the most famous and infamous cases to be tried in New York's Federal court. Recently, she was the judge in the civil rights prosecution of former New York City police officer Charles Schwartz for the sexual battery of Abner Louima. We are all sadly familiar with the facts of Mr. Louima's case: While in police custody, officers savagely beat him in the bathroom of a New York City precinct house. This case was ramanded to Judge Raggi's court by the Second Circuit for retrial following the death of the original trial court judge. The retrial resulted in a perjury conviction against Mr. Schwartz.

Judge Raggi also presided over the trial of Thomas "Tommy Karate" Pitera, the first Federal death penalty case in New York in three decades.

Beginning in 1993, Judge Raggi presided over a series of cases stemming from the alien smuggling scandal of the "Golden Venture," a freighter that ran aground in Rockaway, NY. Almost 300 illegal aliens transported in deplorable conditions had to swim for shore, and 10 of the passengers died escaping the ship. The judge in 1994 rejected plea bargains reached by the government with seven of the Golden Venture defendants, finding that sentences of between 12 to 30 months in prison did not "adequately do justice" because the terms did not reflect the seriousness of the crimes.

Judge Raggi also played a significant role in the war against terrorism. In 1998, she oversaw the trial of Palestinian terrorist Gazi Abu Mezer, who was convicted of plotting a subway bombing aimed at Jews. The judge sentenced Mr. Mezer to life in prison.

All of this hard work and dedication to the law is reflected in Judge Raggi's ABA rating of unanimously "Well

Qualified." This rating, of course, is the highest that the ABA awards. Her excellence has been reflected by the Second Circuit Court of Appeals' invitation to have her sit by designation on many of its panels.

Clearly, Judge Raggi represents the very best in our Nation's judges and will be an outstanding addition to the Second Circuit. I look forward to voting in favor of her nomination and hearing of her accomplishments in the future.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Reena Raggi, of New York, to be United States Circuit Judge for the Second Circuit? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Mr. SARBANES), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Minnesota (Mr. WELLSTONE) and are necessarily absent.

Mr. NICKLES. I announce that the Senator from Nevada (Mr. ENSIGN), the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. HELMS), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), the Senator from Oregon (Mr. SMITH), the Senator from Wyoming (Mr. THOMAS), and the Senator from Tennessee (Mr. THOMPSON) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 0, as follows:

(Rollcall Vote No. 219 Ex.)

YEAS—85

Akaka	DeWine	Lieberman
Allard	Dodd	Lincoln
Allen	Domenici	Lott
Baucus	Dorgan	Lugar
Bayh	Durbin	McCain
Bennett	Edwards	McConnell
Biden	Feingold	Mikulski
Bingaman	Feinstein	Miller
Bond	Fitzgerald	Murray
Breaux	Frist	Nelson (FL)
Brownback	Graham	Nelson (NE)
Bunning	Gramm	Nickles
Burns	Grassley	Reed
Byrd	Gregg	Reid
Campbell	Hagel	Rockefeller
Cantwell	Harkin	Santorum
Carnahan	Hatch	Schumer
Carper	Hollings	Shelby
Chafee	Hutchinson	Smith (NH)
Cleland	Hutchison	Snowe
Clinton	Inhofe	Specter
Cochran	Inouye	Stabenow
Collins	Jeffords	Stevens
Conrad	Johnson	Kohl
Corzine	Kohl	Thurmond
Craig	Kyl	Voinovich
Crapo	Landrieu	Warner
Daschle	Leahy	Wyden
Dayton	Levin	

NOT VOTING—15

Boxer	Kerry	Smith (OR)
Ensign	Murkowski	Thomas
Enzi	Roberts	Thompson
Helms	Sarbanes	Torricelli
Kennedy	Sessions	Wellstone

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. The President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. NELSON of Florida). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak for up to 10 minutes each, and with the time to be equally divided between the two leaders or their designees.

The Senator from New York.

THE ECONOMY AND
UNEMPLOYMENT INSURANCE

Mrs. CLINTON. Mr. President, I rise today to talk about an issue of great concern to my constituents and, indeed, to our entire country—the state of our Nation's economy. We know our economy was already in recession on September 10 and it was devastated on September 11 by the horrific attacks we suffered, and it is stalled now. Too many Americans are out of work. Too many have seen their pension and retirement security disappear because of the illegal, unethical, and simply inexplicable behavior of corporate executives. Too many people who lost their jobs as a result of September 11 have not yet been able to find work.

Let me just mention one of the hundreds of thousands—millions of such people: A New Yorker by the name of Felix Batista. Mr. Batista had worked for years, 25 years I believe, as a member of the wait staff at the restaurant known as Windows On The World at the top of the World Trade Center. He has four children. He was on vacation on September 11 when 73 of his coworkers were murdered. He lost not only friends and colleagues, he lost his job, and he has been unemployed since that terrible day. He is a man who had a wonderful employment record who now spends his days looking for work. He exhausted his unemployment benefits almost 3 months ago. How is he going to support his four children? He is a victim of the terrorist attacks on New York and America, and he is not alone.

Like so many other New Yorkers and Americans, despite their steadfast efforts to find work, and their overwhelming desire to get back to work, they remain out of work, struggling to

make ends meet. In New York, there are 135,000 New Yorkers who have exhausted their benefits. Across the country, the number of people who have been unemployed for 6 months or longer has almost doubled, from 800,000 to 1.5 million in the last year, and that number is expected to increase to more than 2 million by December.

What have we, the elected representatives of all the people, including the people who are unemployed, the people such as Felix who have lost their jobs—what have we done to respond? We have extended unemployment benefits once—but only once. Contrast that with the recession of the early 1990s when Congress extended temporary benefits five times. But this year, even in the wake of the combination of a slowdown in the economy and terrorism, we have only extended benefits once. Once is not enough. Congress must act to extend unemployment insurance and disaster unemployment assistance for an additional 13 weeks each.

With more people losing their benefits every day and being put into the terrible position in which Mr. Batista finds himself, these extensions should be passed before Congress adjourns.

The Wall Street Journal says our economy is in the midst of a “jobless recovery.” From what I hear, that phrase is only half true.

Across New York State, 553,000 New Yorkers are out of work, and the same story is true of company layoffs and plant closings in Niagara Falls, Rochester, and so many parts of New York.

Unfortunately, this is a story that is compounded by the corporate irresponsibility and illegality. They have added even more uncertainty to our economic condition. We not only are seeing plants closing and people losing their jobs because there is no business and there are no orders, but we are also in Rochester seeing 500 people out of work after Global Crossing filed for bankruptcy.

If there is any doubt that the economic situation is not producing jobs for people, take a look at this chart. It shows the number of jobs that are available compared with the number of people who are looking for work. As you can clearly see, during most of 2002, jobseekers far outnumbered job availability. In fact, in June, there were almost three jobseekers for every available job.

When President Bush took office in January 2001, there were approximately 1.5 jobseekers for every job. In just a short year and a half, we have gone from one job opening for every one and a half unemployed person to one job opening for nearly three unemployed persons.

But only looking at the statistics and the unemployment rate doesn't paint a complete picture. The constituents that I talk to in New York describe an endless, frustrating job search—that hopeless feeling that comes when you go out every day and

read the want ads and follow up every single lead. These are people who are young and old and middle-aged. They are male, they are female, they are skilled and unskilled; they are white, they are black, and they are Latino. They are every kind of American. They want to work. But until this economy turns around, they need additional help.

The so-called jobless recovery has hit long-term unemployed workers particularly hard. The number of people who cannot find jobs for 6 months or longer has grown by almost 90 percent in the past year. In fact, the share of the unemployed today who have been without work for more than 26 weeks exceeds that of the recession of the early 1990s and the early 1980s.

According to a recent study, “an increase in the long term unemployment of workers with significant workforce experience” is particularly striking. But why should we be surprised? We have companies such as Enron, Global Crossing, WorldCom, and Tyco that are laying off, going into bankruptcy, and rendering unemployed highly skilled workers—people who got their education, went to college, and improved their skills. They were part of the new economy, and, all of a sudden, they find themselves on the unemployment lines.

What this means for real Americans is that people who are trying hard, who have played by the rules, who have been responsible, and, through no fault of their own—a corporate executive who commits illegalities, or a terrorist who destroys a building—are now unemployed.

The number of workers who have exhausted their benefits has doubled compared to 2 years ago. The number of workers who have exhausted their State benefits is 2.3 million, more than we had 10 years ago during the recession of the early 1990s.

As you can see from this chart, the number of workers exhausting their unemployment benefits without a job has risen steadily since last spring. If you are wondering what this means for individual States, I have information about every State in our country. This is not just a New York problem. This is a national problem. We may have the highest number of people who have exhausted their benefits, but, of course, you would expect that. We lost tens of thousands of jobs because of the attack and the collapse of the buildings. Because it was a crime scene, they couldn't reopen and get back into business.

Our unemployment rate in New York City is 8 percent—higher than the national average—unfortunately reflecting a condition that affects all Americans.

Back in the recession of the early 1990s when the first President Bush was in office, people who were unfortunate enough to lose their jobs got a compassionate response from the White House. The first President Bush said: You